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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/30/2015	.	
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The Committee on Criminal Justice (Bradley) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (7) is added to section 895.06,
Florida Statutes, to read:

895.06 Civil investigative subpoenas; public records
exemption.—

(7) (a) Information held by an investigative agency pursuant
to an investigation of a violation of s. 895.03 is confidential



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11 and exempt from s. 119.07(1) and s. 24(a), Art. I of the State
12 Constitution.

13 (b) Information made confidential and exempt under
14 paragraph (a) may be disclosed by the investigative agency to:

15 1. A government entity in the performance of its official
16 duties.

17 2. A court or tribunal.

18 (c) Information made confidential and exempt under
19 paragraph (a) is no longer confidential and exempt once all
20 investigations to which the information pertains are completed,
21 unless the information is otherwise protected by law.

22 (d) For purposes of this subsection, an investigation is
23 considered complete once the investigative agency either files
24 an action or closes its investigation without filing an action.

25 (e) This subsection is subject to the Open Government
26 Sunset Review Act in accordance with s. 119.15 and shall stand
27 repealed on October 2, 2020, unless reviewed and saved from
28 repeal through reenactment by the Legislature.

29 Section 2. The Legislature finds that it is a public
30 necessity that the information held by an investigative agency
31 pursuant to an investigation of a violation of s. 895.03,
32 Florida Statutes, relating to an activity prohibited under the
33 Florida RICO Act, be made confidential and exempt from s.
34 119.07(1), Florida Statutes, and s. 24(a), Article I of the
35 State Constitution. Because a Florida RICO Act investigation
36 conducted by an investigative agency may lead to the filing of a
37 civil action, the premature release of the information held by
38 such investigative agency could frustrate or thwart the
39 investigation and impair the ability of the investigative agency



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40 to effectively and efficiently administer its duties under the
41 Florida RICO Act, ss. 895.01-895.09, Florida Statutes. This
42 exemption also protects the reputation of the potential
43 defendant in the event that the investigation is closed without
44 the filing of a civil action. Further, without this exemption, a
45 potential defendant under the Florida RICO Act may learn of the
46 investigation and dissipate his or her assets and thwart any
47 future enforcement action under the act. Therefore, the
48 Legislature finds that it is a public necessity that the
49 documents and information held by the investigative agency
50 pursuant to an investigation of a violation of s. 895.03,
51 Florida Statutes, relating to an activity prohibited under the
52 Florida RICO Act, be made confidential and exempt from public
53 records requirements.

54 Section 3. This act shall take effect on the same date that
55 SB 1514 or similar legislation relating to offenses concerning
56 racketeering and illegal debts takes effect, if such legislation
57 is enacted in the same legislative session or an extension
58 thereof and becomes law.

59 ===== T I T L E A M E N D M E N T =====

60 And the title is amended as follows:

61 Delete everything before the enacting clause
62 and insert:

63 A bill to be entitled
64 An act relating to public records; amending s. 895.06,
65 F.S.; providing an exemption from public records
66 requirements for certain documents and information
67 held by an investigative agency pursuant to an
68 investigation relating to an activity prohibited under



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69 the Florida RICO Act; authorizing disclosure of such
70 documents and information under certain conditions;
71 providing for future legislative review and repeal of
72 the exemption; providing a statement of public
73 necessity; providing a contingent effective date.